IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 31157 of 2004(H)

PETITIONER:

LATHA LALAN, KRISHNA KRIPA,
CC.18/2012 B, THUNDAPARAMBIL HOUSE,
KOCHUPALLY ROAD, THOPPUMPADY P.O. KOCHI 5.

BY ADV. SRI.K.BABU THOMAS

RESPONDENTS:
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1. THE GREATER COCHIN DEVELOPMENT AUTHORITY
(GCDA), KOCHI 20, REP. BY ITS SECRETARY.

2. P.S.VINCENT, PUTHUPPALLY HOUSE,
MARKET ROAD, THOPPUMPADY P.O. KOCHI 5.

R1 BY SRI.E.S.MUHAMMED KABIR, SC, GCDA
R2 BY ADV. SRI.K.L.JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.31157/04

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF REGISTERED SALE DEED NO.989/91 OF SRO, MATTAMCHERY.

EXT.P2: TRUE COPY OF BUILDING PERMIT ISSUED BY CORPORATION OF COCHIN.

EXT.P3: TRUE COPY OF OCCUPATION CERTIFICATE ISSUED.

EXT.P4: TRUE COPY OF BASIC TAX RECEIPT AND PROPERTY TAX RECEIPT.

EXT.P5: TRUE PHOTOGRAPH OF PRATHEEKSHA NAGAR ROAD WITH RESIDENTIAL BUILDING OF THE PETITIONER.

EXT.P6: TRUE COPY OF THE SURVEY SKETCH OF 146.55 SQUARE METRES OF LAND IN PLOT NO.212 A.

EXT.P7: TRUE COPY OF APPLICATION FOR ASSIGNMENT OF 146.55 SQ.M. OF LAND SUBMITTED TO THE FIRST RESPONDENT.

EXT.P8: TRUE COPY OF REMINDER SUBMITTED TO THE FIRST RESPONDENT.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.31157 OF 2004

Dated this the 13th day of July, 2007

JUDGMENT

A piece of land was found unnecessary for the G.C.D.A. after it was acquired. Therefore, the G.C.D.A. proceeded to assign it to the second respondent. The petitioner claims that that parcel of land is lying in front of her residential building and allotment of that land to any other person would affect the peaceful enjoyment of her building and that therefore, she is prepared to purchase the said land.

2. Para 9 of the counter affidavit filed by the first respondent reads as follows:

> However, GCDA's Planning Department has suggested that as this bit is lying more contiguous to the petitioner's property it is reasonable and justifiable to allot the plot to her at a rate of not less than the highest rate offered in the last tender i.e., at Rs.78,000/- per cent.

3. Under such circumstances, the first respondent will consider assigning that parcel of land to the petitioner on the revenue authorities fixing the land value as on the date on which the assignment would be made, however, that such value shall not be less than the amount stated by G.C.D.A. in para 9 of its counter affidavit.

In the result, this writ petition is disposed of directing that Exts.P7 and P8 applications will be taken up, considered and disposed of in accordance with law by the first respondent in the light of what is stated above. Let that be done within an outer limit of four months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.